

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 1-7, 14-20 and 23-31 are pending in the application, with claims 1 and 7 being the independent claims. Claims 8-13, 21, and 22 were previously cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to any cancelled and amended claims, in the future. No claim amendments are made at this time. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### ***Statement of Substance of Examiner Interview***

Applicants respectfully thank the Examiner for extending the courtesy of a telephone interview on May 13, 2010, with Applicant's representative William Ladd. In the interview, Applicant's representative discussed why the claims distinguished over the applied references. The Examiner tentatively agreed that the claims distinguished over the applied references but required submission of a response before making any final determination.

### ***Rejections under 35 U.S.C. § 103***

#### **Chen and Golitschek**

At page 3 of the Final Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen *et al.* (EP 1130837A2) ("Chen") in view of Golitschek *et al.* (WO 02/058314 A1) ("Golitschek"). Applicants respectfully traverse this rejection and the "Response to Arguments" section at pages 2-3 of the Final Office Action.

As tentatively agreed during the interview, claims 1 and 7 recite features that distinguish over the applied references. For example, claim 1 recites, *inter alia*, "indicating, using the computing device, the coding rate of a subsequent one or more of the blocks *independently from the coding rate of said one of the blocks*, using data contained in said one of the blocks," and claim 7 recites, *inter alia*, "said at least one

block indicates the transmission scheme of at least one other of said blocks *independently from the transmission scheme of said at least one block*" (emphasis added). At page 4 of the Final Office Action, the Examiner states that "Chen *et al.* does not disclose . . . indicating, using the computing device, the coding rate of a subsequent one or more of the blocks independently from the coding rate of said one of the blocks, using data contained in said one of the blocks." However, the Examiner alleges that these features are taught in Golitschek. Applicants respectfully disagree.

In Golitschek, "[i]n a preferred embodiment, the adaptation process is limited to some or only one of the code words. . . [i]f only the first code word is adapted the code rate (or FEC parameter) of the following code words can be fixed to a higher coding rate . . . [a]lternatively, the code rate of the following code words can be *explicitly derived from* the coding rate of the first code block" (emphasis added). (Golitschek, page 12, lines 22-27.)

At page 2 of the Final Office Action, under "Response to Arguments," the Examiner argues that:

Examiner considers an instance of the coding rate of said one of the blocks being equal to the coding rate of a subsequent one or more of the blocks. This instance easily suggests the newly claimed subject matter because the same coding rate applied to both blocks. Hence, when the coding rate for the subsequent block, derived from the coding rate of the first block, is equal to the coding rate of the first block, the teaching of Golitschek can broadly be considered an independent indication of the coding rate for the subsequent one or more blocks.

Applicants respectfully disagree. Even if "the coding rate of said one of the blocks" in Golitschek is "equal to the coding rate of a subsequent one or more of the blocks" in Golitschek, as the Examiner argues and to which Applicants do not acquiesce, Golitschek does not teach or suggest "indicating, using the computing device, the coding rate of a *subsequent* one or more of the blocks *independently from* the coding rate of *said one of the blocks*," as recited by claim 1. Rather, in Golitschek, "the code rate of the following code words can be *explicitly derived from* the coding rate of the first code block" (emphasis added). (Golitschek, page 12, lines 26 and 27.) As tentatively agreed during the interview, a "code rate . . . *explicitly derived from* . . . [another] coding rate," as stated by Golitschek, cannot be reasonably interpreted to

teach “indicating, using the computing device, the coding rate of a subsequent one or more of the blocks *independently from* the coding rate of said one of the blocks,” as recited by claim 1 or “said at least one block indicates the transmission scheme of *at least one other* of said blocks *independently from the transmission scheme of said at least one block*,” as recited by claim 7 (emphasis added).

Therefore, for at least the above-mentioned reasons, the Examiner has not established a prima facie case of obviousness for claims 1 and 7.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 1 and 7 and pass these claims to allowance. Additionally, at least based on their respective dependencies to claim 1, claims 2-6 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Chen, Golitschek, and Thomas**

At page 7 of the Final Office Action, the Examiner rejected claims 14-20 and 23-25 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of U.S. Patent Number 6,697,642 B1 to Thomas (“Thomas”). Applicants respectfully traverse this rejection.

At page 7 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Thomas teaches “a method of transmission over a satellite link between a satellite station and a mobile satellite terminal able to transmit at a selected one of a plurality of different forward error correction (FEC) coding rates wherein a change between successive ones of said FEC coding rates provides a substantially constant change in gain over the satellite link.” However, the Examiner does not use Thomas to teach, nor does Thomas teach, at least the above noted distinguishing features of claim 1. Thus, Thomas does not cure all of the deficiencies of Chen and Golitschek. Therefore, for at least the above-mentioned reasons, the Examiner has not established a prima facie case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 14-20 and 23-25 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Chen, Golitschek, and Mantha**

At page 11 of the Final Office Action, the Examiner rejected claims 26-28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Mantha (WO 01/91407 A1) (“Mantha”). Applicants respectfully traverse this rejection.

At page 11 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Mantha teaches “a system comprising a transmitter and one or more of a plurality of receivers, wherein the transmission includes a plurality of packets addressed respectively to the receivers.” However, the Examiner does not use Mantha to teach, nor does Mantha teach, at least the above noted distinguishing features of claim 1. Thus, Mantha does not cure all of the deficiencies of Chen and Golitschek. Therefore, for at least the above-mentioned reasons, the Examiner has not established a *prima facie* case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 26-28 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Chen, Golitschek, Mantha, and Siemens**

At page 14 of the Final Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Mantha and Siemens (EP 1179897 A2) (“Siemens”). Applicants respectfully traverse this rejection.

At page 14 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Siemens teaches “a protection method which uses interlacing for FEC blocks and data frames.” However, the Examiner does not use Siemens to teach, nor does Siemens teach, at least the above noted distinguishing features of claim 1. Thus, Siemens does not cure all of the deficiencies of Chen and Golitschek. Therefore, for at least the above-mentioned reasons, the Examiner has not established a *prima facie* case of obviousness for claim 1.

Accordingly, at least based on its dependency to claim 1, claim 29 should be found allowable over the applied references, as well as for its additional distinguishing features.

**Chen, Golitschek, and Vistar**

At page 14 of the Final Office Action, the Examiner rejected claims 30 and 31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Vistar (WO 99/49592) (“Vistar”). Applicants respectfully traverse this rejection.

At page 15 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Vistar teaches “a communication system which assigns a plurality of packets addressed to a respective plurality of wireless receivers to a plurality of wireless bearers.” However, the Examiner does not use Vistar to teach, nor does Vistar teach, at least the above noted distinguishing features of claim 1. Thus, Vistar does not cure all of the deficiencies of Chen and Golitschek. Therefore, for at least the above-mentioned reasons, the Examiner has not established a prima facie case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 30 and 31 should be found allowable over the applied references, as well as for their additional distinguishing features.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

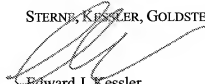
Reply to Final Office Action of March 16, 2010

TRACHTMAN *et al.*  
Appl. No. 10/501,736

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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Date: 12 May 2010

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